



# UNITED STATES PATENT AND TRADEMARK OFFICE

20  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,221	09/03/2003	Susumu Katagiri	R2184.0088/P088-A	2742
24998	7590	02/22/2007	EXAMINER	
DICKSTEIN SHAPIRO LLP			MAGEE, CHRISTOPHER R	
1825 EYE STREET NW				
Washington, DC 20006-5403			ART UNIT	PAPER NUMBER
				2627
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/653,221	KATAGIRI, SUSUMU	
Examiner	Art Unit		
Christopher R. Magee	2627		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 November 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 20-23 and 26-33 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 20-23 and 26-33 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED NON-FINAL OFFICE ACTION

### *Response to Amendment*

1. The indication of allowable subject matter of claims 30-33 in the Office Action, dated 09/07/2006 has been withdrawn in view of the newly discovered reference(s) to Makita (US 6,775,837). Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20, 22, 26 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Makita (US 6,775,837).

- Regarding claims 20, 22, 26 and 30, Makita shows an adjustment structure comprising:
  - a base body 40 ; and
  - a first support mechanism and a second support mechanism respectively provided on the base body 40,
  - each of said first and second support mechanisms having a pivot-receiving member respectively, and a pivot comprising a pin 5' having a rounded tip end which engages the pivot-receiving member [Figures 2 and 3].

FIG.2

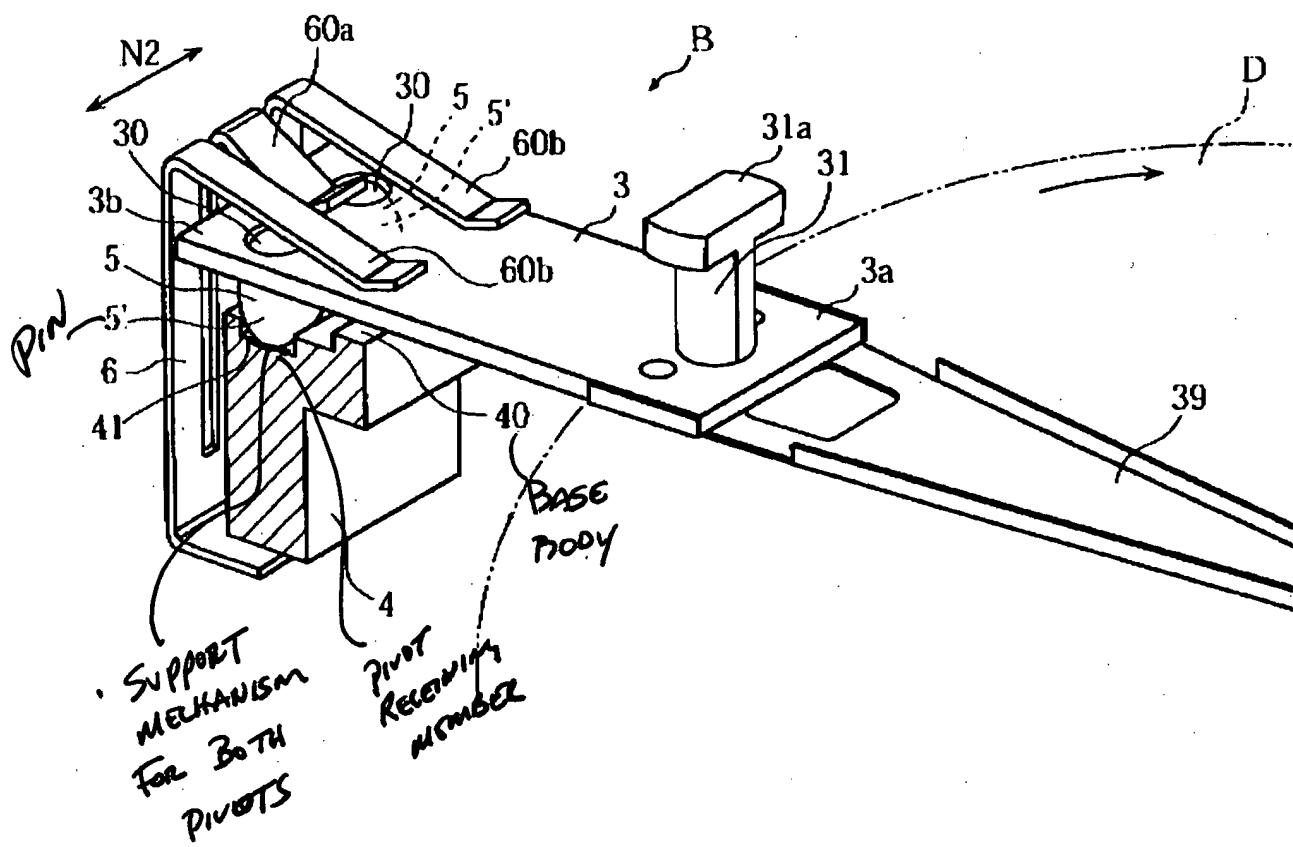
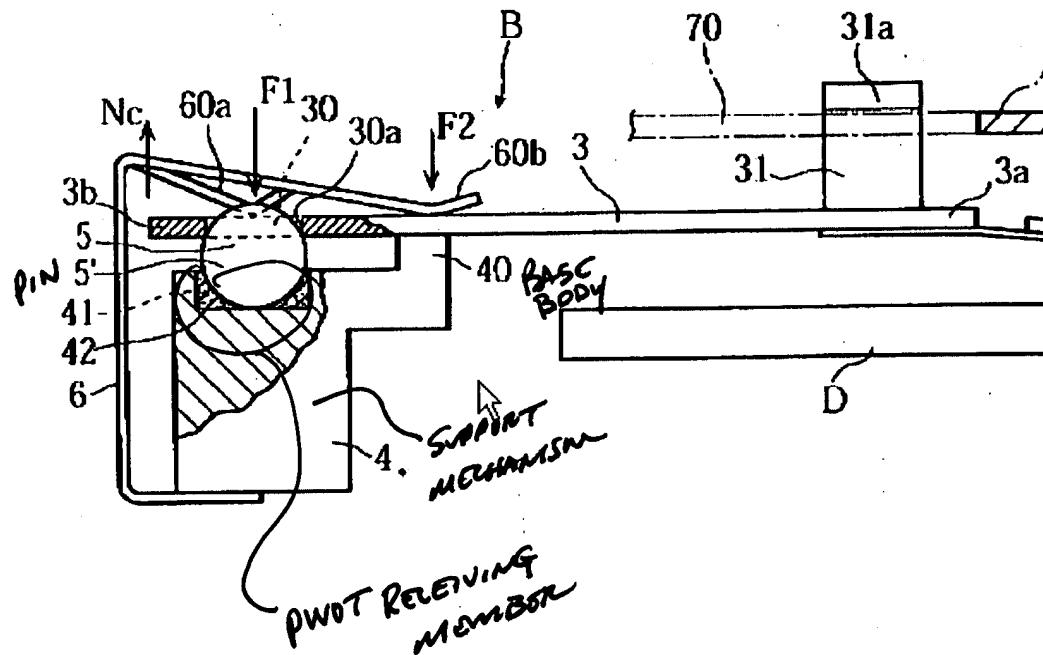


FIG.3



***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 23, 27, 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 6,044,057) as applied to claims 20, 22, 26, and 30 above, and further in view of Makita (US 6,775,837).

• Regarding claims 21, 23, 27-29, and 31-33, Park shows an optical disk apparatus comprising:

    a base body 300;  
    a spindle motor 310 provided on the base body 300, configured to rotate an optical disk;  
    an optical pickup 320 configured to irradiate a light beam on the optical disk to record and/or reproduce information on and/or from the optical disk;  
    a seek mechanism 330, configured to move the optical pickup, and  
    an adjustment structure [i.e., phase adjusting device and the complex adjusting device] configured to adjust the seek mechanism, said adjustment structure comprising:

    a first support mechanism 360 and a second support mechanism 351' (two support mechanisms) respectively provided on the base body 300.

Park does not show each of said first and second support mechanisms having a pivot-receiving member respectively, and a pivot comprising a pin having a rounded tip end, which engages the pivot-receiving member.

Makita shows first and second support mechanisms having a pivot-receiving member respectively, and a pivot comprising a pin having a rounded tip end, which engages the pivot-receiving member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the support mechanisms of Park with a pivot-receiving member respectively, and a pivot comprising a pin having a rounded tip end, which engages the pivot-receiving member as taught by Makita.

Art Unit: 2627

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide the support mechanisms of Park with a pivot-receiving member respectively, and a pivot comprising a pin having a rounded tip end, which engages the pivot-receiving member as taught by Makita in order to allow the structure/chassis to move a great distance without compromising the accuracy of the head positioning procedure [Makita; col. 2, lines 17-21].

*Response to Arguments*

4. Applicant's arguments with respect to claims 20-23 and 26-29 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-4: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

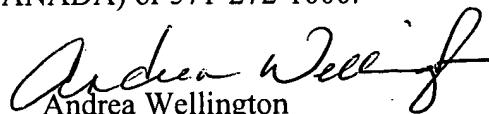
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher R. Magee

Patent Examiner

Art Unit 2627



Andrea Wellington

Supervisory Patent Examiner

Art Unit 2627

February 20, 2007

crm